IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)		
	Plaintiff,) 8:10CR234)
	vs.)) DETENTION ORDER
SE	TH ROLAND,	
	Defendant.	}
A.	Order For Detention After waiving a detention hearing pursuan Act on July 2, 2010, the Court orders the atto 18 U.S.C. § 3142(e) and (i).	at to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 	
C.	contained in the Pretrial Services Report, X (1) Nature and circumstances of the crime: a conspirate distribute methamphetal carries a minimum ser maximum of forty you methamphetamine (Constitution 841(a)(1) each carry imprisonment. (b) The offense is a crime of constitution of the c	the offense charged: by to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § 846 intence of five years imprisonment and a lears imprisonment; the distribution of bunts II-IV) in violation of 21 U.S.C. § a maximum sentence of twenty years of violence.
	may affect whe The defendant X The defendant X The defendant X The defendant The defendant ties. Past conduct of X The defendant The defendant The defendant The defendant The defendant The defendant	appears to have a mental condition which ther the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. is not a long time resident of the community. does not have any significant community of the defendant: has a history relating to drug abuse. has a significant prior criminal record. The has a prior record of failure to appear at

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(b)	At the time of the current arrest, the defendant was on: Probation
	Parole Release pending trial, sentence, appeal or completion of sentence.
(c)	Other Factors: The defendant is an illegal alien and is subject to
	deportation. The defendant is a legal alien and will be subject to deportation if convicted.
	The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
release	ature and seriousness of the danger posed by the defendant's are as follows: The nature of the charges in the Indictment, the ant's criminal history, and the defendant's drug abuse history.
	able Presumptions
on the f	rmining that the defendant should be detained, the Court also relied ollowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
<u>X</u> (a)	he Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that
	the crime involves:
	(1) A crime of violence; or(2) An offense for which the maximum penalty is life
	imprisonment or death; or
	X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3)
	above, <u>and</u> the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed while the defendant was on pretrial release.
X (b)	That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety
	of the community because the Court finds that there is probable
	cause to believe: X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of 10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous
	weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- 4. Pretrial Services shall obtain a substance abuse evaluation of the defendant and provide a copy of the evaluation to the court and counsel. Thereafter, any party may seek reconsideration of the order of detention.

DATED: July 2, 2010. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge